

September 18, 2007 CPC



STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

08SN0108

Debonair Acres, LLC

Matoaca Magisterial District  
Matoaca Elementary; Matoaca Middle; and Matoaca High Schools Attendance Zones  
South line of Graves Road

REQUEST: Rezoning from Agricultural (A) to Residential (R-88).

PROPOSED LAND USE:

A single family residential subdivision is planned. The average actual lots recorded in a Residential (R-88) District, utilizing public water and septic, is 0.36 units per acre, which would yield approximately eight (8) dwelling units on the subject property. It is anticipated that this property will be combined with the adjacent Residential (R-88) property to the south as one development.

RECOMMENDATION

Recommend approval for the following reasons:

- A. The proposed zoning and land uses conform to the Southern and Western Area Plan which suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning.
- B. The proffered conditions adequately address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

(NOTE: THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER(S) MAY PROFFER OTHER CONDITIONS.)

### PROFFERED CONDITIONS

The Contract Purchaser-Applicant in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax Ids 767-619-5626 and 767-619-7931, subject to the following conditions if, and only if, the rezoning requests for R-88 as set forth in the above heading and the application filed herein is granted. In the event the request is denied or approved with conditions not agreed to by the Contract Purchaser-Applicant, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved erosion devices have been installed. (EE)
2. Utilities: The property shall be incorporated within the Overall Water System Plan as stated in Proffered Condition 2 of Zoning Case 07SN0342 to insure the uniformity of the utility conditions for all of the properties. (U)
3. Cash Proffer. The applicant, subdivider, or assignee(s) (the “Applicant”) shall pay the following to the County of Chesterfield prior to the issuance of a building permit for each dwelling unit for infrastructure improvements within the service district for the property:
  - a. \$15,600 per dwelling unit if paid prior to July 1, 2007. At the time of payment, the \$15,600 will be allocated pro-rata among the facility costs as follows: \$5,331 for schools, \$602 for parks and recreation, \$348 for library facilities, \$8,915 for roads, and \$404 for fire stations; or
  - b. The amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit prorated as set forth above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007.
  - c. If, upon the mutual agreement of the Transportation Department and the Applicant, the Applicant provides road improvements (the “Improvements”), then the transportation component in this Proffered Condition shall be reduced by an amount not to exceed the cost to construct the Improvements so long as the cost is of equal or greater value than that which would have been collected through the payment(s) of the road component of the cash proffer as determined by the Transportation Department. Once the sum total amount of the cash proffer credit exceeds the cost of the Improvements, as determined by the Transportation Department, thereafter the Applicant shall commence paying the cash proffer as

set forth in this Proffered Condition as adjusted for the credit. For the purposes of this proffer, the costs, as approved by the Transportation Department, shall include, but not be limited to, the cost of right-of-way acquisition, engineering costs, costs of relocating utilities and actual costs of construction (including labor, materials, and overhead) (“Work”). Before any Work is performed, the Applicant shall receive prior written approval by the Transportation Department for the Improvements and any credit amount.

- d. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)

4. Dedication.

In conjunction with recordation of the initial subdivision plat, prior to any site plan approval or within sixty (60) days from the date of a written request by the Transportation Department, whichever occurs first, thirty-five (35) feet of right-of-way on the south side of Graves Road, measured from the centerline of that part of Graves Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

- 5. Vehicular Access. Direct vehicular access from the property to Graves Road shall be limited to one (1) public road. The exact location of this access shall be approved by the Transportation Department. (T)

6. Road Improvements.

The developer shall provide the following road improvements with initial development of the property:

- A) Construct additional pavement along Graves Road at the approved access to provide left and right turn lanes.
- B) Dedicate to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the road improvements identified in this Proffered Condition. In the event the developer is unable to acquire the “off-site” right-of-way necessary for these road improvements, the developer may request, in writing, the county to acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the county chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way, and shall only provide the road improvements that can be accommodated within available right-of-way, as determined by the Transportation Department. (T)

## GENERAL INFORMATION

### Location:

South line of Graves Road, southwest of Hickory Road. Tax IDs 767-619-5626 and 7931.

### Existing Zoning:

A

### Size:

23.9 acres

### Existing Land Use:

Vacant

### Adjacent Zoning and Land Use:

North, East and West – A; Single family residential or vacant  
South - R-88; Vacant

## UTILITIES

### Public Water System:

The public water system is not immediately available to the request site. The request site lies within the Southern and Western Area Plan and the use of the public water system is required by County Code. A thirty (30) inch water line extends along the west side of Church Road, approximately 4,400 feet east of the request site. The request site is located within the Courthouse Tank pressure zone, and an extension from the thirty (30) inch line will be necessary to develop this site. To insure the uniformity of the utility conditions for all of the properties, the applicant has proffered that the property be incorporated within the Overall Water System Plan with the adjacent R-88 zoning. (Proffered Condition 2).

### Public Wastewater System:

The public wastewater system is not available to serve the request site. The request site lies within the area of anticipated R-88 development of the Southern and Western Area Plan for which the use of private septic systems is permitted.

### Private Septic Systems:

Use of private septic tanks must be approved by the Health Department.

## ENVIRONMENTAL

### Drainage and Erosion:

The subject property drains to the west to a perennial stream and then via the perennial stream through tributaries to Swift Creek. There are currently no known on- or off-site drainage or erosion problems and none are anticipated after development.

The property is wooded and, as such, should not be timbered without obtaining a land disturbance permit from the Department of Environmental Engineering. This will ensure that adequate erosion control measures are in place prior to any land disturbance. (Proffered Condition 1)

### Water Quality:

A perennial flow determination will need to be performed on the creek that flows from east to west through the properties. If the stream is perennial, it will be subject to a 100 foot conservation area, inside of which uses are very limited.

## PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program. This development will have an impact on these facilities.

### Fire Service:

The Public Facilities Plan indicates that fire and emergency medical service (EMS) calls are expected to increase forty-four (44) to seventy-eight (78) percent by 2022. Six (6) new fire/rescue stations are recommended for construction by 2022 in the Plan. In addition to the six (6) new stations, the Plan also recommends the expansion of five (5) existing stations. Based on eight (8) dwelling units, this request will generate approximately two (2) calls for fire and emergency medical service each year. The applicant has addressed the impact on fire and EMS. (Proffered Condition 3)

The Phillips Fire Station, Company 13, and Ettrick Matoaca Volunteer Rescue Squad currently provide fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection, and access requirements will be evaluated during the plans review process.

### Schools:

Approximately four (4) (Elementary: 2, Middle: 1, and High: 1) students will be generated by this development. Currently, this site lies in the Matoaca Elementary School attendance zone: capacity - 481, enrollment - 527; Matoaca Middle School zone: capacity - 1,415, enrollment - 1,058; and Matoaca High School zone: capacity - 1,594, enrollment - 1,681. The enrollment is based on September 29, 2006 and the capacity is as of 2006-2007. This request will have an impact on the elementary and high school level. There are currently two (2) trailers at Matoaca Elementary and four (4) at Matoaca Middle.

This case combined with other residential developments and zoning cases in the area, will continue to push these schools over capacity, necessitating some form of relief in the future. The applicant has addressed the impact of the development on schools. (Proffered Condition 3)

### Libraries:

Consistent with the Board of Supervisors' policy, the impact of development on library services is assessed County-wide. Based on projected population growth, the Public Facilities Plan identifies a need for additional library space throughout the County.

Development of the property noted in this case would most likely impact the Ettrick-Matoaca Library. The Plan identifies the need for additional library space in the Ettrick-Matoaca area. The applicant has addressed the impact of the development on libraries. (Proffered Condition 3)

### Parks and Recreation:

The Public Facilities Plan identifies the need for three (3) regional, seven (7) community and twenty-nine (29) neighborhood parks by 2020. In addition, there is currently a shortage of community and neighborhood park acreage in the county.

The applicant has offered measures to address the impact of this proposed development on the infrastructure needs of Parks and Recreation. (Proffered Condition 3)

### Transportation:

The property (23.9 acres) is currently zoned Agricultural (A), and the applicant is requesting rezoning to Residential (R-88). Based on single-family trip rates, development of the subject property could generate approximately 110 average daily trips. These vehicles will be initially distributed along Graves Road, which had a 2005 traffic count of 738 vehicles per day.

The Thoroughfare Plan identifies Graves Road as a collector with a recommended right-of-way width of seventy (70) feet. The applicant has proffered to dedicate thirty-five (35)

feet of right-of-way, measured from the centerline of Graves Road, in accordance with that Plan. (Proffered Condition 4)

Access to collectors, such as Graves Road, should be controlled. The applicant has proffered that direct vehicular access from the property to Graves Road will be limited to one (1) public road. (Proffered Condition 5)

Included in the Subdivision Ordinance is the Planning Commission's Stub Road Policy. The Policy suggests that subdivision streets anticipated to carry 1,500 VPD or more should be designed as "no-lot frontage" collector streets. The applicant intends to use most of the property for access to serve a 690-acre tract that was recently rezoned to R-88. The entire length of the road through the property will probably need to be a residential collector street. At time of tentative subdivision plat review, staff will evaluate the proposed street network and provide specific recommendations per the Stub Road Policy.

The traffic impact of this development must be addressed. The applicant has proffered that with initial development of the property left and right turn lanes will be constructed along Graves Road at the approved public road intersection (Proffered Condition 6).

Acquisition of "off-site" right-of-way will be necessary to construct the turn lanes along Graves Road. According to Proffered Condition 6, if the developer needs "off-site" right-of-way for these proffered road improvements and is unable to acquire it, the developer may request the county to acquire the right-of-way as a public road improvement. All costs associated with the acquisition will be borne by the developer. If the county chooses not to assist with the right-of-way acquisition, the developer will not be obligated to acquire the "off-site" right-of-way, and will only be obligated to construct road improvements within available right-of-way. (Proffered Condition 6)

Area roads need to be improved to address safety and accommodate the increase in traffic generated by this development. Graves Road will be directly impacted by development of the property. Sections of this road have nineteen (19) to twenty (20) foot wide pavement with no shoulders. The capacity of Graves Road is acceptable (Level of Service B) for the low volume of traffic it currently carries (738 VPD).

The applicant has proffered to contribute cash, in an amount consistent with the Board of Supervisors' Policy, towards mitigating the traffic impact of the development (Proffered Condition 3). Proffered Condition 3 would also allow, upon mutual agreement of the Transportation Department and the applicant, the applicant to provide road improvements equal to the cost of the transportation part of the payment(s). This option will be considered at time of tentative subdivision plat review.

As development continues in this part of the county, traffic volumes on area roads will substantially increase. Cash proffers alone will not cover the cost of the improvements needed to accommodate the traffic increases. No road improvement projects in this part of the county are included in the Secondary Road Six-Year Improvement Plan.

The Virginia Department of Transportation's (VDOT) "Chapter 527" regulations, dealing with development Traffic Impact Study requirements, have recently been enacted. Staff has been meeting with VDOT to attempt to understand the process and the impact of the regulations. At this time, it is uncertain what impact VDOT's regulations will have on the development process or upon zonings approved by the county.

At time of tentative subdivision plat review, specific recommendations will be provided regarding, among other things, access, the proposed internal street network and providing stub road rights-of way to adjacent properties.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	8*	1.00
Population Increase	21.76	2.72
Number of New Students		
Elementary	1.86	0.23
Middle	1.04	0.13
High	1.35	0.17
TOTAL	4.26	0.53
Net Cost for Schools	42,784	5,348
Net Cost for Parks	4,832	604
Net Cost for Libraries	2,792	349
Net Cost for Fire Stations	3,240	405
Average Net Cost for Roads	71,536	8,942
TOTAL NET COST	125,184	15,648

\*Based on an average actual yield of .36 dwelling units per acre. The actual number of dwelling units and corresponding impact may vary.

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries, and fire stations at \$15,648 per unit. The applicant has been advised that a maximum proffer of \$15,600 per unit would defray the cost of the capital facilities necessitated by this proposed development. Consistent with the Board of Supervisors' policy, and proffers accepted from other applicants, the applicant has offered cash and road improvements to assist in defraying the cost of this proposed zoning on such capital facilities. (Proffered Condition 3)



Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case.

## LAND USE

### Comprehensive Plan:

Lies within the boundaries of the Southern and Western Area Plan which suggests the property is appropriate for residential use of 1-5 acre lots (suitable to Residential (R-88) zoning).

### Area Development Trends:

Area properties are zoned Agricultural (A) and Residential (R-88) and are occupied by single family residences on acreage parcels or remain vacant. Residential development at densities consistent with the Plan is expected to continue in this area.

### Zoning History:

On July 25, 2007, the Board of Supervisors approved the rezoning of a 690 acre tract to Residential (R-88) with a Conditional Use to permit a residential stock farm (keeping of horses) on property located south of, and adjacent to, the request property (Case 07SN0342). A single family residential subdivision with a common equestrian area is proposed. It is anticipated that the request property will be incorporated into this adjacent R-88 tract, thereby providing an additional access to Graves Road to serve this proposed development. It should be noted that equestrian use will not be permitted on the subject property since a Conditional Use to allow such uses is not a part of this request.

### Density:

No specific density has been proffered. The average actual lots recorded in a Residential (R-88) District, utilizing public water and septic, is 0.36 units per acre, yielding approximately eight (8) dwelling units on 23.9 acres.


## CONCLUSIONS


The proposed zoning and land uses conform to the Southern and Western Area Plan which suggests the property is appropriate for residential use of 1-5 acre lots (suitable to Residential (R-88) zoning). The proffered conditions adequately address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

Given these considerations, approval of this request is recommended.




**08SN0108**

 **Rez: A TO R-88**



N



1200 0 1200 Feet

This page is blank.